

From: Ralph H. Stoos Jr.
To: Microsoft ATR
Date: 1/24/02 10:13am
Subject: Microsoft Settlement

Dear Maam or Sirs,

I have read the documents related to the Anti Trust case. Both the finding of fact and the proposed settlement. I am enraged so that I feel it is necessary to generate this note.

It is apparent from the findings of fact that Microsoft regularly (and with malice aforethought) did indeed engage in grossly anti-competitive practices for a number of years.

The proposed settlement is the corporate equivalent of saying to a juvenile deliquent "Don't let me catch you doing that again". This "settlement" is patently absurd in its ommisions.

Microsoft has made it unprofitable for an entire industry to develop anything for any other operating system.

I am not an anarchist. It is my belief that any company should be allowed to succeed with a better, faster, cheaper, or more easy to use product. That means playing on a level field and winning "fair and square". Microsoft did do this to some extent with Windows by placing an "easy to use" handle on the technical task of operating a computer thereby allowing a larger number of people to use them and get work done. This is very commendable and I do not deny Microsoft the right to make a reasonable profit doing just that.

The starting point at which Microsoft started to gain its monopoly standing was when Windows was introduced. For a number of years prior to that WordPerfect was the absolute leader in Word Processing software. It was only unseated as the leader when Microsoft created Word for Windows. Microsoft Word for DOS was never able to overcome WordPerfect in the DOS arena as it was not a better product. The integration into the Windows operating system is the only reason Word moved ahead of WordPerfect. Lotus 123 dominated the spreadsheet market for many years until Microsoft integrated Excel (later) into the Windows OS. The list goes on and on. Try to imagine the number of companies that either died trying to compete or never came to be.

This "integration" in and of itself is not unexpected and certainly not an anti-competitive practice. It just shows that the public expected that when the applications are "integrated" with the OS, things will be better, and they probably were slightly better. This is clearly a case of "perceived value" that is not unusual. It is the leveraging out of other applications and making it difficult to impossible to use competing applications that is the true "crime" here.

As an employee of Xerox which was the firm that benevolently "gave away" Ethernet, PostScript, the Graphical User Interface, and the mouse in the spirit of furthering computing in general, I am somewhat surprised that Microsoft (or Apple Computer before it) would take this philanthropic act and permutate it to their own ends and then use it as a weapon to keep competitors at bay. This is certainly not what Xerox had in mind and goes against the statements that Mr. Gates has made of what his company is about.

To further emphasize my point I will make this analogy. At this point in time in this country, if a person were to cause a company to give them large sums of money and force them to stay in a given place for long periods of time, you would call that extortion, blackmail, or kidnapping. Microsoft has done the equivalent of that from a software perspective by deliberately interlinking, causing to be proprietary exclusive, and creating interdependent OS and applications so as to allow individual companies no viable alternatives, all the while charging them basically whatever they wish. Microsoft's prices are not competitive because they do not have to be.

Now to the point. As part of the settlement I feel it would be fair to have the following:

1. Mr. Gates issue at the minimum a sizable press release (my preference would be a very apologetic TV commercial in prime time) which details some of his company's most heinous acts of monopoly preservation. Then the United States public could decide if these acts warrant them altering their OS purchase decisions for the future. I believe many Americans are too busy to even know what has transpired and this would inform them.
2. Cash damages in some proportional amount should be paid into a fund that would allow for schools to purchase non-Microsoft software to allow part of the educational process to demonstrate that there are alternatives. If UNIX/Linux were at least shown at schools, children would be exposed to the underlying foundation of computing and make them more technically literate for the future. This is not only good "playing field-leveling" activity but would make for a smarter workforce down the road for America which is something we sorely need.
3. The TC (Technical Committee) should be forewarned and monitored so that in the "field of potential gold" they would be strolling through, none of the "dust" would end up in their pockets. Ask Congressmen and Senators how often PACs and other groups offer to provide "perks" and other inducements to "encourage" legislation (or lack thereof). Severe penalties for violations by Microsoft and the members of the committee should be set and explained up front so there is no misunderstanding.
4. The five year limitation should be extended to such a date when it is deemed by the TC (or another impartially appointed body) that there is a viable alternative to Microsoft products in the OS and Applications market that is readily available. This would then foster real competition and would

benefit the American public by keeping prices down and the features of the software improving.

So, here is my "counter proposal" which is additive to your settlement. I urge you to consider all points and provide more than a "hand slap" to Microsoft. America and the world would benefit.

My apologies for the length of this note, but it is an issue that weighs heavily on my sense of fair play.

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